

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JUNE 2, 1999  
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Mann (left at approximately 10:25 p.m.), Nakanishi, Pennino and Land (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Council Member Phillip Pennino.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Land.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Bill Crabtree with the Lodi Arts Commission updated the City Council on the many activities and accomplishments of the Arts Commission.
  - b) Mr. Antonio Pizano, Executive Director of the Housing Authority of the County of San Joaquin, presented the City Council with the Authority's 1998 Annual Report.
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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$5,298,428.67.
- b) The minutes of May 13, 1999 (Joint Meeting with representatives from local service clubs), May 18, 1999 (Joint Meeting with Old Lodi Union High School Site Foundation) and May 19, 1999 (Regular Meeting) were approved as written.
- c) Approved the plans and specifications for Guild Avenue Street Construction and Street Overlay, Industrial Way to Pine Street; and Thurman Street Street Construction, 300 Feet West of Guild Avenue to Guild Avenue and authorized advertising for bids.
- d) Agenda item #E-4 entitled, "Approve Final Map and Improvement Agreement for Colvin Ranch, Tract No. 2430" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- e) Approved the final map for Bridgetowne, Unit No. 2, Tract No. 2863, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.

- f) Agenda item #E-6 entitled, "Authorize City Manager to execute architectural services agreement for Multimodal Station North Annex" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
  - g) Authorized the increase of GrapeLine service hours to 4:00 p.m. on Sundays.
  - h) Adopted Resolution No. 99-80 approving 88 feet of no parking on the east side of Ham Lane south of Elm Street.
  - i) Adopted Resolution No. 99-81 entitled, "A Resolution Of The Lodi City Council Declaring Its Intention To Vacate Vine Street From Southern Pacific Railroad (SPRR) Right-Of-Way To 100 Feet East On Vine Street", referred the matter to the Planning Commission, and set it for Public Hearing at the regular meeting of July 21, 1999.
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-4 entitled, "Approve Final Map and Improvement Agreement for Colvin Ranch, Tract No. 2430".

Public Works Director Prima reported that the Colvin Ranch subdivision is located east of Stockton Street and south of Almond Drive. The development consists of 60 single-family residential lots.

The developer of the subdivision, Park Place Development, LLC, has furnished the City with the improvement plans, necessary agreements, guarantees, insurance certificates, and fees for the proposed subdivision.

The developer voluntarily dedicated an additional seven feet of right-of-way to allow a landscape strip at the back of walk along the reverse frontage walls on the Stockton Street and Almond Drive frontages. Landscaping will be provided as part of the City's landscape maintenance program.

Following discussion and questions posed to staff, the City Council, on motion of Council Member Hitchcock, Land second, unanimously approved the final map for Colvin Ranch, Tract No. 2430, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.

- b) Agenda item #E-6 entitled, "Authorize City Manager to execute architectural services agreement for Multimodal Station North Annex".

Public Works Director Prima reminded the City Council that on July 15, 1998, it approved an amendment to the agreement with the San Joaquin Regional Rail Commission (SJRRRC) to have the City assume responsibility for the Multimodal Station Project. Thompson & Associates is the architect for the current project, which is approximately 75% complete.

The original design concept drawings for the project included a structure north of the depot building called the "North Annex". This building was deleted from the project due to budget concerns. The project has gone extremely well. It appears there are funds available in current project account to cover the estimated cost of design (\$30,000) and construction (\$330,000) of the North Annex building.

Greyhound Bus Lines has expressed interest in relocating to the Multimodal Station site. The North Annex would provide space for Greyhound's operations, as well as space for outdoor seating.

Council Member Hitchcock questioned if Greyhound Bus Lines will be charged a rental fee for using the Multimodal Station.

Following discussion, the City Council, on motion of Council Member Hitchcock, Land second, unanimously authorized the City Manager to execute an architectural services agreement with Thompson & Associates for the design of the Multimodal Station North Annex Building, and to execute contract change orders, as needed, for this project.

7. RECESS

Mayor Land called for a ten-minute recess, and the City Council meeting reconvened at approximately 8:55 p.m.

8. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider requiring installation of sidewalk along West Turner Road, at 616, 620, 1210, 1216, 1310, 1326 West Turner Road, and at 1000 North Lincoln Avenue.

Public Works Director Prima reminded that the City Council and several staff members received a letter from a local resident requesting that sidewalk be installed at a specific address on Turner Road. The letter points out that where there is no sidewalk, shrubs are allowed to grow and fences are placed in the right of way forcing citizens to walk in the street.

Over the past few years, the Public Works Department has received inquiries from citizens using Turner Road about the properties with no sidewalk. These inquiries were for a number of different reasons and were usually received by telephone. Historically, other than as part of new construction, sidewalk has been required to be installed by property owners only when the City did a major street improvement project or when the City Council determines the deficiency causes a hardship and hazard to pedestrians. Upon receiving a complaint, staff would ask for a letter to document the request.

After receiving the letter, the entire length of Turner Road from Stockton Street to Lower Sacramento Road was surveyed to see exactly how many parcels had no sidewalk. There are seven parcels without sidewalk.

Curb, gutter, and sidewalk are the property owner's responsibilities, and per Streets and Highways Code, Section 5875, the City can require the installation of these improvements. The City would participate by installing handicap ramps at corners (Lincoln and Loma Drive).

Because of the speed and amount of traffic, and the type and number of pedestrians (primarily school children), the lack of sidewalk can be considered both a hardship and a hazard. This situation is similar to two other incidents when the City Council ordered sidewalk installation: 1) In 1989, the property owners on the south side of Lodi Avenue from Lower Sacramento Road to Del Mont Drive were ordered to install sidewalk; and 2) In 1994, property owners along Fairmont Avenue between Lodi Avenue and Vine Street where there was no sidewalk were ordered to install it.

The parcel located at the corner of Lincoln Avenue and Turner Road has sidewalk on its Lincoln Avenue frontage. The parcels along Turner Road on either side of Loma Drive do not have sidewalk on the Loma Drive frontage. A determination should be made about the installation of the missing sidewalk along Loma Drive as well.

Mr. Prima presented a series of pictures of the subject areas and provided a cost estimate for each parcel to complete the sidewalk installations. A lengthy discussion followed with questions being directed to Mr. Prima and other staff members.

Hearing Opened to the Public

1. Helen Stevens, 616 West Turner Road, Lodi, indicated that her home was built in 1941 and that she has approximately 110 feet of asphalt walkway in front of her house. She pointed out that there are no obstructions that would make walking difficult. She believes this asphalt walkway is only 5" less than the City's standard width requirement for sidewalks, and she sees no reason to remove it. Mrs. Stevens indicated that she would not have a problem with the \$1,750 cost quoted for her parcel if it included removal of the existing asphalt.
2. Gerald Vanderlands, 888 East Kettleman Lane, Lodi, addressed the City Council regarding the property located at 1310 West Turner Road. Mr. Vanderlands established that hardly anyone uses the sidewalk in this area of Turner Road. He also stated that the original property owners of the parcel had donated land for the street and felt it unfair to ask the present owners to now install sidewalk. He commented that his main concern is the Loma Street section as it would require the removal of eight trees; however, he is not opposed to the requirement to install sidewalk on the Turner Road side of this parcel.
3. Barbara Flockhart, 331 LaSetta Drive, Lodi, stated that she had written the letter to Council regarding this matter which triggered the item being heard this evening. She commented that she was concerned about the safety of pedestrians on Turner Road and pointed out that the property at 1310 West Turner Road has a fence and shrubs where the sidewalk should be. This causes pedestrians to walk out into the street.  
  
Mrs. Flockhart presented a petition bearing 144 names supporting the installation of sidewalks on Turner Road for safety reasons.
4. Carol S. Holland, 1326 West Turner Road, Lodi, talked about the reason the remodeling of her home had not been completed. She asked the City to work with her as her husband had left her and, just recently, the home was transferred into her name. Ms. Holland asked how long she would have to complete the work.
5. Katy Marconi, 620 West Turner Road, Lodi, asked that her parcel be excluded from those under consideration for installation of sidewalks. She stated that if the City wants to be fair, it should require all property owners in the City, whose property does not have sidewalks, to install them.
6. Georgianna Reichelt, 3605 East Louise, Manteca, suggested that the City of Lodi use Measure K money for these installations.
7. Russell Steele, 1310 West Turner Road, Lodi, stated that he hated to see the beauty of his property ruined. The proposed installation of sidewalk on the Loma Street side of his property would cause the loss of six beautiful trees and would connect to nothing but railroad tracks.
8. Anna Miranda, 1000 North Lincoln Avenue, Lodi, indicated that her house has belonged to her parents since 1974, and she is curious why other properties in the area have sidewalks. She stated that no one has ever complained to them about not having sidewalk, and she feels it is not a safety hazard. She is not opposed to putting in a sidewalk, but wonders why it was never brought to the owner's attention before.
9. Ulla Steele, 1310 West Turner Road, Lodi, suggested that the area in front of their property be made a "no parking" zone.

Public Portion of Hearing Closed

**ACTION:**

A motion made by Mayor Land, Mann second, was amended by the maker of the motion and the second, to approve the use of Measure K funds to install sidewalk along West Turner Road, at 616, 620, 1210, 1216, 1310, 1326 West Turner Road, and at 1000 North Lincoln Avenue, excluding installation on Loma Drive. The motion carried by the following vote:

Ayes: Council Members – Mann, Nakanishi, Pennino and Land (Mayor)

Noes: Council Members – Hitchcock

Absent: Council Members – None

It was suggested that this work be completed prior to commencement of improvements to the Turner Road side of Lodi Lake.

Further, it was suggested that staff bring back to Council a proposed program for a yearly dollar amount (\$25,000 - \$50,000) for installation of sidewalks throughout the City using Measure K funds.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider refuse rate adjustment application from Central Valley Waste Services.

Public Works Director Prima presented the following report.

Over the past seven years, City Council has followed a rate methodology, adopted by Council on December 4, 1991, to establish residential and commercial refuse collection rates in the City of Lodi. In accordance with this methodology, the proposed rate adjustment for June 2, 1999 to April 1, 2000 is 3.43%, or an increase of \$0.61 per month on the standard 38-gallon residential rate, and an increase of 2.75% for commercial rates. In the past, the rate increase has taken effect on April 1; however, Central Valley Waste Services, Inc. (CVWSI), requested they be given additional time to submit the rate request and complete an audit, thereby delaying the adjustment by two months.

The rate increase requested by CVWSI was based on a 12-month billing cycle. Because the rate adjustment submittal is two months later than in previous years, and the delay was requested by CVWSI, they are willing to forego the adjustment for April and May and make it effective on the June billing. Normally, the request is received in February and taken to Council at the last meeting in March with rate adjustments effective in April.

If the adjustment can be made in June, the percentage of increase will not have to be adjusted to compensate for the months without an increase. Any rate adjustments made after July will significantly impact the Finance Department's ability to process the new rates due the ORCOM utility billing implementation schedule. In addition, should the rate adjustments be held over, CVWSI would have to increase the rate to cover those months without an increase.

Tom Sanchez, General Manager with Central Valley Waste Services, Inc., reported on the major components of the proposed refuse rate adjustment; namely, landfill charges and the decline of recycling revenue.

Hearing Opened to the Public

1. Barbara Flockhart, 331 LaSetta Drive, Lodi, complained about the charge for bringing refuse to the local transfer station as compared to bringing it to the landfill. Mrs. Flockhart was advised that the City has no control over the charges for private deliveries to that site.

Public Portion of Hearing Closed

**ACTION:**

Following a lengthy discussion with questions being directed to Mr. Prima and Mr. Sanchez, the City Council, on motion of Mayor Pro Tempore Mann, Hitchcock second, unanimously adopted the following uncodified urgency ordinances:

- Ordinance No. 1672 entitled, "An Uncodified Urgency Ordinance Of The City Council Of The City Of Lodi, Repealing Ordinance 1656 In Its Entirety, And Establishing New Rates For Residential Solid Waste Collection";
- Ordinance No. 1673 entitled, "An Uncodified Urgency Ordinance Of The City Council Of The City Of Lodi, Repealing Ordinance 1657 In Its Entirety, And Establishing New Rates For Commercial Solid Waste Collection"; and
- Ordinance No. 1674 entitled, "An Uncodified Urgency Ordinance Of The City Council Of The City Of Lodi, Repealing Ordinance 1658 In Its Entirety, And Amending Lodi Municipal Code Chapter 13.16, Relating To Commercial 10 To 50 Cubic Yard Roll-Off Boxes".

9. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Hitchcock, Nakanishi second, rejected the following claims:

1. Kathy White, date of loss 12/11/98
2. DeEtte Nelson, date of loss 12/28/98
3. San Juana Castillio, date of loss 3/8/99

- b) The following report was presented to the City Council:

1. Planning Commission report of May 12, 1999

Concerns were expressed by members of the City Council about item a) on the Planning Commission report regarding the request for a Use Permit for the operation of a "large family day care home" for approximately 14 children at 1451 Park Street. Questions regarding the matter were directed to City Attorney Hays and Community Development Director Bartlam. Mr. Bartlam advised the City Council that he would prepare a memorandum regarding this matter and what authority local government presently has in matters of this type.

It was suggested that the City take a more proactive position on matters of this type and that a letter be sent by the Mayor to our legislators asking that cities be given more control.

*Continued June 2, 1999*

- c) The City Council, on motion of Council Member Hitchcock, Pennino second, unanimously directed the City Clerk to post for the following vacancies on the Greater Lodi Area Youth Commission:

**Greater Lodi Area Youth Commission**

Mena Khan	Term to expire August 30, 1999
Mike Rouzer	Term to expire August 30, 1999
Bobby Whitmire	Term to expire August 30, 1999

- d) City Clerk Reimche provided a status report regarding the inactive Personnel Board of Review.
- e) City Clerk Reimche informed the City Council that her office received a notice of application from Pacific Gas & Electric (PG&E) Company for a gas rate decrease and electric revenue increase: annual earnings assessment proceeding. This matter was for information only.

10. **REGULAR CALENDAR**

None.

11. **ORDINANCES**

None.

12. **COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

(Mayor Pro Tempore Mann was not feeling well, and left the meeting at approximately 10:25 p.m.)

- a) Wilbert Ruhl, 265 Almond Drive, Lodi, commented that once again the proposed ProStyle Sports Complex is on the agenda as a Closed Session matter. Mr. Ruhl stated that he feels nothing should be done until the public knows what is going on. He further stated that he feels the City is ignoring farmers in this matter and asked that it be put on hold until appropriate information is available to the public.
- b) Ken Knowles, representing Tokay Radio Control Modelers, 665 Sandpiper, Lodi, invited City Council Members and the community to its 30<sup>th</sup> Annual Tokay Open House, which will be held on June 5, 1999 from 9:00 a.m. until 3:00 p.m.
- c) Georgianna Reichelt, 3605 East Louise, Manteca, also spoke about the proposed ProStyle Sports Complex being on the Closed Session agenda and cautioned the City Council regarding partnering. Ms. Reichelt stated that if the City is going to enter into a partnership, it should be done in the open. Ms. Reichelt presented a copy of an article that appeared in The Record on May 16, 1999, which she indicated reflects some of her concerns.

Secondly, Ms. Reichelt addressed the City Council regarding Senator Burton's Senate Constitutional Amendment proposal directed at modifying procedures for extensions of County Transportation Sales Tax Measures (SCA 3), highlighting various provisions of the proposal and voicing her concerns regarding the matter.

This matter had been brought before the San Joaquin County Council of Governments (COG) Board at their May 27<sup>th</sup> meeting. Council Member Pennino responded to Ms. Reichelt's comments advising that the COG Board voted to support SCA 3 at the May 27<sup>th</sup> meeting, with the stipulation that any extension of Measure K funds be brought to the voters of San Joaquin in some manner.

- d) John Johnson, 2112 Debbie Lane, Lodi, addressed the City Council that he had been watching the Council meeting at home and wanted to speak on the Turner Road sidewalk installations even though he realized this matter had been decided. He commented that he is doing a substantial remodel at his home and complained that he is now being made to do sidewalk replacement at his home at his own cost.

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Hitchcock complimented Administrative Assistant to the City Manager Janet Hamilton and Recreation Supervisor Lisa Rudloff for their efforts in obtaining the After School Learning and Safe Neighborhoods Partnerships Program Grant for Lawrence Elementary and Heritage Schools in the amount of approximately \$350,000 over a three-year period.

Council Member Hitchcock asked that the subject of truck parking on City streets be placed on an upcoming agenda for Council review and consideration.

- b) Mayor Land announced that the City of Lodi Year 2000 Steering Committee is looking for volunteers from the community to assist in the events being planned leading up to the new millennium, including the December 31, 1999 gala celebration event.

Mayor Land indicated that he recently attended the 1999 Statewide Arts Recognition Program honoring the 1999 California Arts Scholars and named the following Lodi recipients: David Guzman from Lodi High School; James Roster from Lodi High School; and Meredith Tilner from Lodi High School.

Mayor Land announced that on June 28, 1999 the Lodi Crime Stoppers Annual Golf Tournament will be held and encouraged community participation in the event. Anyone interested may call the City Clerk's office for details.

Mayor Land congratulated all Lodi school graduates and conveyed best wishes to them on this special time in their lives.

- c) City Manager Flynn announced that City of Lodi employees now have an official newsletter called "*The Vine Line*" and named the following graduates and their proud parents:
- Kathleen Gast, City of Lodi Fire Inspector, received her Bachelor of Science Degree from the University of San Francisco.
  - Andrew Flynn, son of City Manager Dixon Flynn, from Kent State University, Ohio.
  - Marissa Lange, daughter of Community Center Director Charlene Lange, from Brown University, Providence, Rhode Island.
  - Margaret Webb, daughter of Police Officer Harry Webb, from University of the Pacific, Stockton.
  - Scott Williamson, son of Parks and Recreation Director Ron Williamson, from the Marshall School of Business at University of Southern California.
  - Lucas Bradley, son of Street Superintendent George Bradley, from Brookside Christian High School.
  - Stacy Fawcett, daughter of Kathy Fawcett, Administrative Clerk II in the Electric Utility Department, from Tokay High School.
  - Amber Longpre, daughter of Brian Longpre, Maintenance Worker II in the Streets Division, from Grace Davis High School.
  - Katy Mann, daughter of Mayor Pro Tempore Steve Mann, from Lodi High School.
  - DeAryan Sanchez, daughter of Sherry Sasaki, Purchasing Assistant, from Lodi High School.
  - Heather Tunnell, daughter of Karen Tunnell, Human Resources Technician, from Lodi High School.
  - Randy Whiteman, son of Carrie Anderson, Administrative Clerk III in the Community Development Department, from Linden High School.



*Continued June 2, 1999*

- d) Council Member Hitchcock reported that the Lodi Unified School District (LUSD) Board of Education has approved taking to the voters this September a \$122 million school bond issue. If this bond issue passes, it will provide funding for much needed schools in LUSD; thereby, eliminating the need for year-round school.

14. CLOSED SESSION

Mayor Land adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Actual litigation: Government Code §54956.9(a). One case. Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN ***This matter was not discussed.***
- b) Prospective lease of City property (400± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are ProStyle Sports and the City of Lodi; price and terms are under negotiation
- c) Property acquisition of real property located at 217 East Lockeford Street (APN 041-220-01); the negotiating parties are the City of Lodi and Edward Naramore et al., Government Code §54956.8
- d) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Police Officers' Association (LPOA) pursuant to Government Code §54957.6) ***This matter was not discussed.***
- e) Actual litigation: Government Code §54956.9(a). One case. Kathryn Clark, et al. vs. City of Lodi, Superior Court of California, County of San Joaquin, Case No. CIV CV004935

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 10:45 p.m., and Mayor Land disclosed that there was no action taken on items a), b), c) and d); however, in regards to item e), the City Council authorized staff to negotiate a settlement.

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Land adjourned the meeting at approximately 10:45 p.m.

ATTEST:

Alice M. Reimche  
City Clerk